

Message Text

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ACTION DLOS-09

INFO OCT-01 ISO-00 NEA-10 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 IO-13 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02
SS-15 USIA-06 DOEE-00 OIC-02 /143 W
-----084753 221524Z /50

P 221440Z MAR 78
FM AMEMBASSY KUWAIT
TO SECSTATE WASHDC PRIORITY 525
INFO USMISSION USUN NEW YORK PRIORITY
USMISSION GENEVA
AMEMBASSY COLOMBO

C O N F I D E N T I A L SECTION 1 OF 2 KUWAIT 1720

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS CONFERENCE SEVENTH SESSION: REACTION TO AMBASSADOR
RICHARDSON MARCH 16 PRESS CONFERENCE: THE AMERASINGHE PROBLEM

REF: (A) STATE 70638, (B) STATE 70035, (C) KUWAIT 606,
(D) 77 KUWAIT 2942 (NOTAL), (E) 77 STATE 121557 (NOTAL).

1. BEGIN SUMMARY. KUWAITI MFA ACTION OFFICER FOR LOS
MATTERS EXPRESSED CONCERN THAT AMBASSADOR RICHARDSON'S
MARCH 16 STATEMENT WAS OVERLY FIRM AND PESSIMISTIC, BUT
WELCOMED OPPORTUNITY TO DISCUSS IN ADVANCE SEVENTH SESSION
PROCEDURAL ISSUES, INCLUDING POSSIBLE CONTINUATION OF SRI
LANKA'S AMERASINGHE AS CONFERENCE PRESIDENT.
AMONG SUBSTANTIVE ISSUES OF INTEREST TO KUWAIT ARE
DELIMITATION OF MARITIME ZONE LIMITS, ISLANDS AND THEIR
ECONOMIC ZONES, AND ADDITION OF OIL AND NATURAL GAS TO
PRODUCTS COVERED BY RSNT ARTICLE 9. KUWAITI DELEGATION TO
SEVENTH SESSION IS IDENTIFIED IN PARA. 5. END SUMMARY.
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2. EMBASSY LOS OFFICER PROVIDED COPY OF AMBASSADOR
RICHARDSON'S MARCH 16 STATEMENT TO MFA LEGAL DEPT. LOS
OFFICER, ALI AL-SAMMAK, AND FOLLOWED UP WITH WIDE RANGING
DISCUSSION MARCH 21 OF STATEMENT AND LOS ISSUES OF
INTEREST TO THE GOK.

3. RICHARDSON STATEMENT. ASKED FOR REACTIONS TO THE STATEMENT, AL-SAMMAK RECALLED HIS REMARKS TO EMBOFF IN JANUARY (REF C) WHEN HE WONDERED WHY THE USG SAW A NEED TO STATE SUCH FIRM PUBLIC POSITIONS ON LOS ISSUES, PARTICULARLY SEABED QUESTIONS, IN ADVANCE OF KEY LOS MEETINGS. AL-SAMMAK ALSO PROFESSED TO BE DISTURBED BY AMBASSADOR RICHARDSON'S REFERENCES TO "ALTERNATIVES" TO AN LOS TREATY AT THIS STAGE, WHICH COULD BE INTERPRETED AS A US EXPECTATION THAT THE CONFERENCE WOULD FAIL. IN THIS CONNECTION, AL-SAMMAK ASSERTED THAT US PESSIMISM, OR EVEN THE APPEARANCE OF IT, IS NOT PRODUCTIVE AT THIS TIME. AL-SAMMAK WARMLY WELCOMED, HOWEVER, AMBASSADOR RICHARDSON'S REVELATION THAT THE USDEL WILL ARRIVE IN GENEVA EARLY TO DISCUSS PROCEDURAL QUESTIONS WITH G-77 DELEGATIONS.

4. PROCEDURAL ISSUES. WHEN QUERIED ABOUT THE KUWAITI POSITION ON VETO POWER FOR COMMITTEE CHAIRMAN, AL-SAMMAK REPLIED IN STRONGEST TERMS THAT CHAIRMEN SHOULD NOT HAVE SUCH POWER. REGARDING THE CONTINUATION OF AMERASINGHE AS LOS CONFERENCE PRESIDENT, AL-SAMMAK PHONED EMBOFF MARCH 22 TO AY THAT HE HAD JUST RECEIVED A REPORT FROM THE KUWAIT UN MISSION IN NEW YORK TO THE EFFECT THAT SYG WALDHEIM WAS WILLING TO MAKE AMERASINGHE A UN EMPLOYEE AND NOMINATE HIM TO CHAIR THE SEVENTH SESSION IN THIS CAPACITY. AL-SAMMAK IMPLIED THAT KUWAIT WOULD SUPPORT
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THIS MOVE, AS WOULD MOST OTHER AFRICAN AND ASIAN DELS, BUT THAT THE LATIN AMERICANS WOULD OPPOSE, SO THAT, WITH THE CONSENSUS RULE APPLYING IN THE SESSION, THIS COURSE OF ACTION WOULD BE DIFFICULT.

5. KUWAITI DELEGATION AND G-77 CONSULTATIONS. KUWAIT WILL PARTICIPATE IN THE G-77 INFORMAL CONSULTATIONS IN GENEVA DURING THE WEEK BEFORE THE SESSION OPENS. AL-SAMMAK WILL BE ON HAND FOR THESE, AS WILL THE KUWAITI GENEVA MISSION HEAD, AMBASSADOR HASAN DABBAGH. THE LATTER WILL HEAD THE KUWAITI DELEGATION TO THE SESSION. OTHER MEMBERS OF THE KUWAITI DELEGATION INCLUDE: DR. BADRIA AL-AWADI (FEMALE), ADVISOR TO THE MFA ON LEGAL MATTERS AND PROFESSOR OF LAW AT KUWAIT UNIVERSITY; AL-SAMMAK; AND ABDUL-AZIZ AL-MOOSA AND ABDUL-HAMAD AL-AWADI (YOUNGER BROTHER OF DR. AL-AWADI), BOTH JUNIOR MFA OFFICERS ASSIGNED TO THE KUWAITI MISSION IN GENEVA. DR. ZAIM ARIF IMAM, LEGAL ADVISOR TO THE KUWAITI UN MISSION IN NEW YORK, MAY ALSO BE PART OF THE DELEGATION IF HE CAN BE SPARED. (USUN IS FAMILIAR WITH IMAM'S OPPOSITION TO THE RSNT AS WELL AS HIS EXTREMIST POSITIONS ON LOS ISSUES, PARTICULARLY SEABEDS (SEE REFS D AND E).

6. ISSUES OF INTEREST TO KUWAIT. AL-SAMMAK SAID THAT KUWAIT WILL BE ESPECIALLY INTERESTED IN HAVING VERY GENERAL WORDING IN THE TREATY TEXT REGARDING THE DELIMITATION OF THE LIMITS OF MARITIME ZONES BETWEEN ADJACENT AND OPPOSITE STATES. THE GOK WOULD FAVOR A GENERAL REFERENCE TO THE PRINCIPLE OF "EQUITY" IN THE TEXT, BUT FAVORS LEAVING DEMARCATION GUIDELINES OUT OF THE TEXT. FEELING THAT SPECIFIC DEMARCATIONS SHOULD BE FREE OF LOS GUIDELINES AND SHOULD BE LEFT TO BILATERAL OR REGIONAL AGREEMENTS.

7. REGARDING THE TREATY TEXT TREATMENT OF ISLANDS AND THEIR ECONOMIC ZONES, HOWEVER, KUWAIT WANTS VERY SPECIFIC
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LANGUAGE. (KUWAIT CLAIMS SEVERAL ISLANDS LYING IN SEABED PETROLEUM AREAS CLOSE TO THE GENERALLY ACCEPTED BUT UNDEMARCATED LIMITS OF ITS TERRITORIAL SEA, AND WHAT WOULD BECOME ITS MAINLAND ECONOMIC ZONE. SPECIFIC TREATY LANGUAGE INVESTING THESE ISLANDS WITH THEIR OWN ECONOMIC ZONES WOULD PROVIDE KUWAIT WITH STRONGER CLAIMS TO MORE SEABED IN THE GULF.)

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ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
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NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15
USIA-06 DOEE-00 OIC-02 /143 W
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P 221440Z MAR 78

FM AMEMBASSY KUWAIT
TO SECSTATE WASHDC PRIORITY 526
INFO USMISSION USUN NEW YORK PRIORITY
USMISSION GENEVA
AMEMBASSY COLOMBO

C O N F I D E N T I A L SECTION 2 OF 2 KUWAIT 1720

8. KUWAIT IS STILL HIGHLY INTERESTED IN HAVING OIL AND
NATURAL GAS ADDED TO THE PRODUCTS COVERED BY RSNT
ARTICLE 9 (REF C). AL-SAMMAK ACKNOWLEDGED THAT THERE IS
A MAJOR SPLIT ON THIS ISSUE, BETWEEN G-77 OIL AND GAS
PRODUCERS AND OTHER PRODUCERS, INCLUDING THE US, USSR,
ETC. HE PROFESSED TO EXPECT A STRUGGLE ON THIS ISSUE
AT THE SEVENTH SESSION.
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